

## ORDINANCE 14-34

### AN ORDINANCE OF THE CITY OF WESTFIELD CONCERNING AMENDMENT TO TEXT OF THE SPRINGMILL TRAILS PLANNED UNIT DEVELOPMENT BEING THAT OF ORDINANCE 11-19 AND TITLE 16 - LAND USE CONTROLS

**WHEREAS**, The City of Westfield, Indiana and the Township of Washington, both of Hamilton County, Indiana are subject to the Westfield-Washington Township ~~Zoning Ordinance~~Unified Development Ordinance (the “UDO”); and;

**WHEREAS**, the Westfield-Washington Advisory Plan Commission (the “Commission”) considered a petition (Docket 1409-PUD-14), filed with the Commission requesting an amendment to Ordinance 11-19, enacted by the ~~Town~~ Council on September 12, 2011 (the “Springmill Trails PUD Ordinance”)

**WHEREAS**, on \_\_\_\_\_, 201\_ the Commission took action to forward Docket Number 1408-PUD-12 to the Westfield City Council with a \_\_\_\_\_ recommendation in accordance with Ind. Code 36-7-4-608, as required by Ind. Code 36-7-4-1505;

**WHEREAS**, on \_\_\_\_\_, 201\_ the Secretary of the Commission certified the action of the Commission to the City Council; and,

**WHEREAS**, the Westfield City Council is subject to the provisions of the Indiana Code IC 36-7-4-1507 and 36-7-4-1512 concerning any action on this request.

**NOW THEREFORE BE IT ORDAINED BY THE WESTFIELD CITY COUNCIL THAT THE SPRINGMILL TRAILS PUD ORDINANCE AND ~~TITLE 16 OF THE WESTFIELD CODE OF ORDINANCES-UNIFIED DEVELOPMENT ORDINANCE~~ BE AMENDED AS FOLLOWS:**

#### **Section 1. Applicability of Ordinance**

- 1.1 The Springmill Trails PUD Ordinance is hereby amended in accordance with the standards established in the attached Exhibit B.
  - 1.2 This ordinance shall hereafter be referred to as The Springmill Trails PUD Amendment Ordinance, (this “Ordinance”).
  - 1.3 This Ordinance applies to the subject real estate, generally described in Exhibit A attached hereto and incorporated herein (the “Real Estate”).
  - 1.4 All other provisions of The Springmill Trails PUD shall remain in effect with the adoption of this Ordinance.
  - 1.5 All provisions and representations of the UDO or The Springmill Trails PUD as amended, that conflict with the provisions of this Ordinance are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance.
- ~~is hereby amended so that the standards established in what is attached hereto~~

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~~and incorporated herein by reference as Exhibit A are applicable to the real estate described in what is attached hereto and incorporated herein by reference as Exhibit B (the "Real Estate"). In all other respects, the Springmill Trails PUD Ordinance shall remain in effect and unchanged.~~

**SECTION 2.** ~~Upon motion duly made and seconded, this Ordinance 14-34 was fully passed by members of the Council this \_\_\_ day of \_\_\_\_\_, 201\_. Further, this Ordinance 14-34 shall be in full force and effect in accordance with Indiana law, upon the passage of any applicable waiting periods, all as provided by the laws of the State of Indiana. All ordinances or parts thereof that are in conflict with this Ordinance 14-34 are hereby amended. To the extent that this Ordinance 14-34 conflicts with the terms of any previously adopted ordinance or part thereof, the terms of this Ordinance 14-34 shall prevail.~~

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD,  
HAMILTON COUNTY, INDIANA THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_.

WESTFIELD CITY COUNCIL  
HAMILTON COUNTY, INDIANA

**Voting For**

**Voting Against**

**Abstain**

\_\_\_\_\_  
Jim Ake

\_\_\_\_\_  
Jim Ake

\_\_\_\_\_  
Jim Ake

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Chuck Lehman

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Steven Hoover

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Cindy L. Spoljaric

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Robert W. Stokes

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Robert W. Stokes

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Robert W. Stokes

ATTEST:

\_\_\_\_\_  
Cindy Gossard, Clerk-Treasurer

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Tammy K. Haney

I hereby certify that ORDINANCE No. 14-34 was delivered to the Mayor of Westfield  
on the \_\_\_\_\_ day of \_\_\_\_\_, 201\_, at \_\_\_\_\_.

\_\_\_\_\_  
Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE No. 14-34

This \_\_\_\_\_ day of \_\_\_\_\_, 201\_.

\_\_\_\_\_  
J. Andrew Cook, Mayor

I hereby VETO ORDINANCE No. 14-34

This \_\_\_\_\_ day of \_\_\_\_\_, 201\_.

\_\_\_\_\_  
J. Andrew Cook, Mayor

ATTEST:

\_\_\_\_\_  
Cindy J. Gossard, Clerk-Treasurer

Prepared by: Tammy K. Haney, Keller Macaluso LLC, 760 3<sup>rd</sup> Avenue SW, Suite 210,  
Carmel, IN 46032

**EXHIBIT A**  
**Legal Description**

Lots 24, 25, 56, 61, 76, 77, 80 and 82 in Waters Edge at Springmill Trails Section Two as per plat thereafter recorded on November 12, 2013 as Instrument No. 2013068442.

## **EXHIBIT B~~A~~**

### **I. Minimum Setback Lines.**

- a) Section 2.3.D.1(d) of the Springmill Trails PUD shall be deleted and replaced with the following:
- i. 60' front load ~~yards lots~~ – 20 feet; except 19 feet front ~~load~~-yard setbacks are ~~allowed-permitted~~ on the following Lots ~~within Waters Edge at Springmill Trails Sections 1, 2 and 3~~ on the Real Estate:
    - A. Lot Numbers 24 and 25; provided further that homes and driveways constructed on Lots 24 and 25 will not face nor be accessed by Starview Drive.
- b) Section 2.3.D.2(d) of the Springmill Trails PUD shall be deleted and replaced with the following:
- i. 60' front load lots – 6 feet; except 5 feet side yard setbacks are permitted on the following Lots ~~within Waters Edge at Springmill Trails Sections 1, 2, and 3~~ on the Real Estate:
    - A. ~~Lot Numbers 56, 61, 76, 80 and 82; provided further that the minimum building separation between dwellings on these lots and dwellings on adjacent Lots shall be 12 feet.~~

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